

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MCPHERSON, *on behalf of himself and on behalf of a class of Persons similarly situated,*

Plaintiff,

No. C 05-3905 WDB

ORDER REFERRING CASE TO
DISTRICT JUDGE JENKINS
PURSUANT TO CIVIL LOCAL RULE
3-12(c)

V.

SPECIAL DATA PROCESSING
CORPORATION *d/b/a* NATIONAL
MAGAZINE EXCHANGE,

Defendant(s).

This case was recently transferred to the Northern District of California from the Middle District of Alabama and assigned to the undersigned.

While the case was pending in Alabama, defendant filed a motion to stay, transfer, or dismiss the lawsuit. Defendant's motion was based on the existence of a previously filed lawsuit, Jeremy Maurer, on behalf of himself and all others similarly situated v. Special Data Processing Corporation d/b/a National Magazine Exchange, C 04-4093 MJJ. In its motion, defendant describes the Maurer case as involving "the same defendant, the same or substantially similar proposed class members and the same or substantially similar issues and claims." Memorandum In Support of Motion to Stay, Transfer, or Dismiss, p.2.

In a pleading filed at the direction of the District Court in Alabama, plaintiff acknowledged the similarity between the federal claims at issue in Maurer and in the instant case, and agreed to the transfer of the case to the Northern District of California. Upon

1 review of the plaintiff's response, the Court ordered this case transferred to the Northern
2 District of California.

3 In light of the alleged similarity between this case and the Maurer case, we
4 respectfully request that Judge Jenkins consider whether the cases are related. The parties
5 must file any response in opposition to or support of relating the cases pursuant to Civil
6 Local Rule 3-12(d).

7 IT IS SO ORDERED.

8 Dated: October 6, 2005

/s/ Wayne D. Brazil
WAYNE D. BRAZIL
United States Magistrate Judge

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11 cc:
12 MJJ, WDB,
parties in C 05-3905 WDB
and C 04-4093 MJJ

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